



Sen. Linda Holmes

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10400SB0123sam001

LRB104 06330 LNS 23152 a

1 AMENDMENT TO SENATE BILL 123

2 AMENDMENT NO. _____. Amend Senate Bill 123 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 2-3.25g as follows:

6 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
7 Sec. 2-3.25g. Waiver or modification of mandates within
8 the School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the governing board or
11 administrative district, as the case may be, for a joint
12 agreement.

13 "Eligible applicant" means a school district, joint
14 agreement made up of school districts, or regional
15 superintendent of schools on behalf of schools and
16 programs operated by the regional office of education.

1 "Implementation date" has the meaning set forth in
2 Section 24A-2.5 of this Code.

3 "State Board" means the State Board of Education.

4 (b) Notwithstanding any other provisions of this School
5 Code or any other law of this State to the contrary, eligible
6 applicants may petition the State Board of Education for the
7 waiver or modification of the mandates of this School Code or
8 of the administrative rules and regulations promulgated by the
9 State Board of Education. Waivers or modifications of
10 administrative rules and regulations and modifications of
11 mandates of this School Code may be requested when an eligible
12 applicant demonstrates that it can address the intent of the
13 rule or mandate in a more effective, efficient, or economical
14 manner or when necessary to stimulate innovation or improve
15 student performance. Waivers of mandates of the School Code
16 may be requested when the waivers are necessary to stimulate
17 innovation or improve student performance or when the
18 applicant demonstrates that it can address the intent of the
19 mandate of the School Code in a more effective, efficient, or
20 economical manner. Waivers may not be requested from laws,
21 rules, and regulations pertaining to special education,
22 teacher educator licensure, teacher tenure and seniority, or
23 Section 5-2.1 of this Code or from compliance with the Every
24 Student Succeeds Act (Public Law 114-95). Eligible applicants
25 may not seek a waiver or seek a modification of a mandate
26 regarding the requirements for (i) student performance data to

1 be a significant factor in teacher or principal evaluations or
2 (ii) teachers and principals to be rated using the 4
3 categories of "excellent", "proficient", "needs improvement",
4 or "unsatisfactory". On September 1, 2014, any previously
5 authorized waiver or modification from such requirements shall
6 terminate.

7 (c) Eligible applicants, as a matter of inherent
8 managerial policy, and any Independent Authority established
9 under Section 2-3.25f-5 of this Code may submit an application
10 for a waiver or modification authorized under this Section.
11 Each application must include a written request by the
12 eligible applicant or Independent Authority and must
13 demonstrate that the intent of the mandate can be addressed in
14 a more effective, efficient, or economical manner or be based
15 upon a specific plan for improved student performance and
16 school improvement. Any eligible applicant requesting a waiver
17 or modification for the reason that intent of the mandate can
18 be addressed in a more economical manner shall include in the
19 application a fiscal analysis showing current expenditures on
20 the mandate and projected savings resulting from the waiver or
21 modification. Applications and plans developed by eligible
22 applicants must be approved by the board or regional
23 superintendent of schools applying on behalf of schools or
24 programs operated by the regional office of education
25 following a public hearing on the application and plan and the
26 opportunity for the board or regional superintendent to hear

1 testimony from staff directly involved in its implementation,
2 parents, and students. The time period for such testimony
3 shall be separate from the time period established by the
4 eligible applicant for public comment on other matters.

5 (c-5) If the applicant is a school district, then the
6 district shall post information that sets forth the time,
7 date, place, and general subject matter of the public hearing
8 on its Internet website at least 14 days prior to the hearing.
9 If the district is requesting to increase the fee charged for
10 driver education authorized pursuant to Section 27-24.2 of
11 this Code, the website information shall include the proposed
12 amount of the fee the district will request. All school
13 districts must publish a notice of the public hearing at least
14 7 days prior to the hearing on all social media accounts
15 maintained and operated by ~~in a newspaper of general~~
16 ~~circulation within~~ the school district, if available, that
17 sets forth the time, date, place, and general subject matter
18 of the hearing. If no social media account exists, a school
19 district must publish a notice of the public hearing at least 7
20 days prior to the hearing in a newspaper of general
21 circulation within the school district that sets forth the
22 time, date, place, and general subject matter of the hearing.
23 Districts requesting to increase the fee charged for driver
24 education shall include in the public ~~published~~ notice the
25 proposed amount of the fee the district will request. If the
26 applicant is a joint agreement or regional superintendent,

1 then the joint agreement or regional superintendent shall post
2 information that sets forth the time, date, place, and general
3 subject matter of the public hearing on its Internet website
4 at least 14 days prior to the hearing. If the joint agreement
5 or regional superintendent is requesting to increase the fee
6 charged for driver education authorized pursuant to Section
7 27-24.2 of this Code, the website information shall include
8 the proposed amount of the fee the applicant will request. All
9 joint agreements and regional superintendents must publish a
10 notice of the public hearing at least 7 days prior to the
11 hearing on all social media accounts maintained and operated
12 by in a newspaper of general circulation in each school
13 district that is a member of the joint agreement or that is
14 served by the educational service region that sets forth the
15 time, date, place, and general subject matter of the hearing
16 If no social media account exists, all joint agreements and
17 regional superintendents must publish a notice of the public
18 hearing at least 7 days prior to the hearing in a newspaper of
19 general circulation in each school district that is a member
20 of the joint agreement or that is served by the educational
21 service region that sets forth the time, date, place, and
22 general subject matter of the hearing, provided that a notice
23 appearing in a newspaper generally circulated in more than one
24 school district shall be deemed to fulfill this requirement
25 with respect to all of the affected districts. Joint
26 agreements or regional superintendents requesting to increase

1 the fee charged for driver education shall include in the
2 public ~~published~~ notice the proposed amount of the fee the
3 applicant will request. The eligible applicant must notify
4 either electronically or in writing the affected exclusive
5 collective bargaining agent ~~and those State legislators~~
6 ~~representing the eligible applicant's territory~~ of its intent
7 to seek approval of a waiver or modification and of the hearing
8 to be held to take testimony from staff. If the eligible
9 applicant does not have a collective bargaining agreement with
10 a unit, as defined in Section 6 of the Illinois Public Labor
11 Relations Act, this notification requirement is waived. The
12 affected exclusive collective bargaining agents shall be
13 notified of such public hearing at least 7 days prior to the
14 date of the hearing and shall be allowed to attend such public
15 hearing. The eligible applicant shall attest to compliance
16 with all of the notification and procedural requirements set
17 forth in this Section. No waiver of the right to notification
18 of the collective bargaining unit representing the eligible
19 applicant's territory is permitted.

20 (d) A request for a waiver or modification of
21 administrative rules and regulations or for a modification of
22 mandates contained in this School Code shall be submitted to
23 the State Board of Education within 15 days after approval by
24 the board or regional superintendent of schools. The
25 application as submitted to the State Board of Education shall
26 include a description of the public hearing. Following receipt

1 of the waiver or modification request, the State Board shall
2 have 45 days to review the application and request. If the
3 State Board fails to disapprove the application within that
4 45-day period, the waiver or modification shall be deemed
5 granted. The State Board may disapprove any request if it is
6 not based upon sound educational practices, endangers the
7 health or safety of students or staff, compromises equal
8 opportunities for learning, or fails to demonstrate that the
9 intent of the rule or mandate can be addressed in a more
10 effective, efficient, or economical manner or have improved
11 student performance as a primary goal. Any request disapproved
12 by the State Board may be appealed to the General Assembly by
13 the eligible applicant as outlined in this Section.

14 A request for a waiver from mandates contained in this
15 School Code shall be submitted to the State Board within 15
16 days after approval by the board or regional superintendent of
17 schools. The application as submitted to the State Board of
18 Education shall include a description of the public hearing.
19 The description shall include, but need not be limited to, the
20 means of notice, the number of people in attendance, the
21 number of people who spoke as proponents or opponents of the
22 waiver, a brief description of their comments, and whether
23 there were any written statements submitted. Verification of
24 the publication of the notice of hearing that is posted on an
25 applicant's Internet website as provided in subsection (c-5)
26 must include an image or screen shot of the post with the date,

1 time and URL present. If the notice of hearing was published in
2 a newspaper of general circulation as provided in subsection
3 (c-5), the applicant must provide a copy of the newspaper
4 posting or certificate of publication provided by the
5 newspaper. The State Board shall review the applications and
6 requests for completeness and shall compile the requests in
7 reports to be filed with the General Assembly. The State Board
8 shall file reports outlining the waivers requested by eligible
9 applicants and appeals by eligible applicants of requests
10 disapproved by the State Board with the Senate and the House of
11 Representatives before each March 1 and October 1.

12 The report shall be reviewed by a panel of 4 members
13 consisting of:

14 (1) the Speaker of the House of Representatives;

15 (2) the Minority Leader of the House of
16 Representatives;

17 (3) the President of the Senate; and

18 (4) the Minority Leader of the Senate.

19 The State Board of Education may provide the panel
20 recommendations on waiver requests. The members of the panel
21 shall review the report submitted by the State Board of
22 Education and submit to the State Board of Education any
23 notice of further consideration to any waiver request within
24 14 days after the member receives the report. If 3 or more of
25 the panel members submit a notice of further consideration to
26 any waiver request contained within the report, the State

1 Board of Education shall submit the waiver request to the
2 General Assembly for consideration. If less than 3 panel
3 members submit a notice of further consideration to a waiver
4 request, the waiver may be approved, denied, or modified by
5 the State Board. If the State Board does not act on a waiver
6 request within 10 days, then the waiver request is approved.
7 If the waiver request is denied by the State Board, it shall
8 submit the waiver request to the General Assembly for
9 consideration.

10 The General Assembly may disapprove any waiver request
11 submitted to the General Assembly pursuant to this subsection
12 (d) in whole or in part within 60 calendar days after each
13 house of the General Assembly next convenes after the waiver
14 request is submitted by adoption of a resolution by a record
15 vote of the majority of members elected in each house. If the
16 General Assembly fails to take action on any waiver request
17 that was disapproved ~~disapprove any waiver request~~ or appealed
18 request within such 60-day period, the waiver or modification
19 shall be deemed denied ~~granted~~. Any resolution adopted by the
20 General Assembly disapproving a report of the State Board in
21 whole or in part shall be binding on the State Board.

22 (e) An approved waiver or modification may remain in
23 effect for a period not to exceed 5 school years and may be
24 renewed ~~upon application~~ by the eligible applicant for no more
25 than 2 renewal periods. However, an approved waiver of or
26 modification to a physical education mandate may remain in

1 effect for a period not to exceed 3 school years and may not be
2 renewed. Once a waiver or modification has been approved, no
3 changes may be made to the approved waiver or modification
4 during the term of the waiver or modification. A waiver or
5 modification that has been approved may be rescinded by the
6 entity that applied for the waiver or modification by
7 providing written notice to the State Board of Education. The
8 notice of recession must state the date the recession is
9 effective. However, such waiver or modification may be changed
10 ~~within that 5-year period by a board or regional~~
11 ~~superintendent of schools applying on behalf of schools or~~
12 ~~programs operated by the regional office of education~~
13 ~~following the procedure as set forth in this Section for the~~
14 ~~initial waiver or modification request. If neither the State~~
15 ~~Board of Education nor the General Assembly disapproves, the~~
16 ~~change is deemed granted.~~

17 (f) (Blank).

18 (Source: P.A. 100-465, eff. 8-31-17; 100-782, eff. 1-1-19;
19 101-81, eff. 7-12-19.)".